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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/127,571 07/31/98 VARGHESE

P COMP:0016

001200 PM82/0719  
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EXAMINER

TRAN, K  
ART UNIT

PAPER NUMBER

3634  
DATE MAILED:

07/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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# Office Action Summary

Application No.  
09/127,571

Applicant(s)  
VARGHESE ET AL.

Examiner  
Khoa Tran

Art Unit  
3634



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on May 1, 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 22-32 is/are pending in the application.
- 4a) Of the above, claim(s) 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restriction***

Applicants' election without traverse of Group I in Paper No. 18 is acknowledged. Accordingly, claim 32 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Objections***

Claims 23-26 and 28-31 are objected to because "The system" should be changed to --A computer component rack--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claims 23 and 28, it is unclear to what is being set forth for claiming because the claim seeks to define the rail height based on a comparison to an unclaimed and undefined element of a computer component enclosure that is otherwise not part of the claimed invention. In other words, "reduce" with respect to what?, see line 2. Claim 25 is

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incomplete because it omits the necessary structural cooperative relationship between the enclosure and the previously recited elements. Claims 26 and 31, lines 2 and 3 set forth non-equivalent alternatives, i.e., "upper portion or low portion". With respect to claim 27, it is unclear as to how many outer and inner rails being set forth for each side of the computer component enclosure and the respective side of the support rail. Further, it is unclear as to how the inner rail can be located further outwardly from the outer rail. Have the "inner" and "outer" been reversed?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22, 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Good et al. ('256). Good et al. ('256) disclose a computer component mounting rack system comprising a left support rail (52) that is fixed between the front (14b) and back (16b) of the left vertical rack members; an inner fixed left slide rail (44) secured to the left support rail (52) and positioned between the front and back left of vertical rack members; an outer left slide rail (50) mutually engaging and sliding within the inner fixed left slide rail (44); a right support rail (52) that is fixed between the front(14a) and back (16a) of the right vertical members; an inner fixed right slide rail (44) secured to the right support rail (52) and positioned between the front and back right vertical

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rack members; an outer right slide rail (50) mutually engaging and sliding within the inner fixed right slide rail (44); a portion of the left and right sides of a computer component enclosure (22) disposed above the outer left and right slide rails; and the height profile of the outer left and right slide rails are reduced to accommodate with the increased depth profile of the recesses on both extended sides (34, 36) of a computer component enclosure. See Figures 1-3.

Claims 27, 28 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Good et al. ('256). Good et al.('256) disclose a computer component mounting rack system comprising a computer component enclosure (22); an outer left and right slide rails (48) fixed to the computer component enclosure below the respective extension sidewalls (34, 36) of the computer component enclosure; an inner fixed left and right slide rails (50) mutually engaging with the respective outer left and right slide rails (48) and dispose outwardly from the respective edges of the extension sidewalls (34, 36) of the computer component enclosure; a left and right support rails (52) fixed respectively to the inner fixed left and right slide rails (44); the sidewalls (not numbered, it is shown as between flange members (18)) of the front and back of respective left and right vertical rack members (14b, 16b, 14a, 16a) are horizontally aligned with the respective inner fixed slide rails that have the height of a width in the concealment, and wherein the height profile of the outer left and right slide rails are reduced to accommodate with the increased depth profile of the recesses on both extended sides (34, 36) of a computer component enclosure. See Figures 1-3.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24, 26, 29, and 31, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Good et al. ('256) as applied to claims 22, 23, 25, 27, 28, and 30 above, and further in view of Fall et al. ('505). Figures 2 and 3 of Good et al. ('256) illustrate the inner fixed slide rails (44) are directly attached to the provided row of apertures on the support rail (52) thereof. However, the support rails (52) of Good et al. ('256) are not being twice the size or twice the height of the inner fixed rails (42). Fall et al. ('505) teach the support rail (10) that is twice the size or twice the height of the inner fixed rails (12), see Figure 1. The support rails having the upper and lower portions that have a set of row of apertures which space across longitudinally thereon the rail. It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the support rail of Good et al. ('256) with the provision of the rail that is twice the size or twice the height of the inner fixed rail as taught by Fall et al. ('505) in order to provide a choice of mounting the inner fixed rail on either the upper portion or lower portion on the support rail so that to suitable with the desire arrangement of the computer component enclosure mounts thereon the rack.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sekerich, Stein, Miyoshi, H. S. Fall ('978), Hobbs, Hoffman, Armstrong, Harwell, O. M. Otte, Fall, Clement, Lazar et al., Hagen et al., Kittle, Offermans, Lambert, Del Vecchio et al., and Miller are cited to show similar configurations of design.

***Response to Amendment***

Applicants' remarks with respect to claims 22-31 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the applicants' remarks on page 6, (i-v), concerning claims, note the newly applied reference thereto

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday and every other Friday from 8:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group is (703) 305-3597 or (703) 305-3598.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

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If the applicant is submitted by facsimile transmission, applicants are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and M.P.E.P. 502.02). In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission.

Responses requiring a fee which applicant is paying by check **should not be** submitting by facsimile transmission separately from the check. Responses submitted by facsimile transmission should include a Certificate of Transmission (M.P.E.P 512). The following is an example of the format the certification might take:

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(Date)

Type or printed name of person signing this certificate:

\_\_\_\_\_  
\_\_\_\_\_  
(Signature)

Furthermore, please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary



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delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Khoa Tran

July 15, 2001

A handwritten signature in black ink, appearing to read 'Alvin Chin-Shue', with a stylized, cursive script.

**Alvin Chin-Shue**  
**Primary Examiner**